

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN RE: GENERAL MOTORS CORP.  
AIR CONDITIONING MARKETING  
AND SALES PRACTICES LITIGATION  
  
ALL CASES

Case Number: 18-md-02818

Hon. Matthew F. Leitman

**ORDER DIRECTING DEFENDANTS TO FILE RESPONSE TO NOTICE  
OF SUPPLEMENTAL AUTHORITY SUPPORTING PLAINTIFFS'  
MOTION FOR CLASS CERTIFICATION (ECF No. 186)**

Now pending before the Court is Plaintiffs' Motion to Certify Class (ECF No. 122). On March 17, 2023, the Court held an on-the-record hearing over video conferencing to hear argument on Plaintiffs' motion. After that hearing, Plaintiffs filed a Notice of Supplemental Authority in Support of the Motion for Class Certification. (*See* Notice, ECF No. 186.) In that Notice, Plaintiffs argue that GM has waived its right to compel arbitration by engaging in this litigation. Plaintiffs place particular emphasis on *Speerly v. General Motors, LLC*, a recent decision from this district in which District Judge David Lawson concluded that GM "waived any right to compel arbitration by engaging in this litigation and seeking dispositive rulings from the Court on the plaintiffs' claims." 2023 WL 2572457, at \*23 (E.D. Mich. Mar. 20, 2023). Plaintiffs also argue that *Speerly* demonstrates why many of their arguments in favor of class certification have merit.

The Court has carefully reviewed Plaintiffs' arguments, and concludes that it would benefit from a Response to the Notice of Supplemental Authority from General Motors, LLC. Accordingly, **IT IS HEREBY ORDERED** that General Motors, LLC shall file a Response by no later than **April 14, 2023**.

**IT IS SO ORDERED.**

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: March 31, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 31, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126